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Paper No. 32

ENZO BIOCHEM, INC.
527 MADISON AVENUE
(9th FLOOR)
NEW YORK NY 10022

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In re Application of	:	
Engelhardt	:	ORDER TO SHOW CAUSE WHY
Application No. 08/182,621	:	DECISIONS REVIVING APPLICATION
Filed: January 13, 1994	:	SHOULD NOT BE VACATED
Atty Docket No. ENZ52	:	

This is a decision on the petition filed, August 4, 2009, requesting that the order to show cause¹ mailed on June 4, 2009 be vacated.

The record of this application and petitioners' response to the order to show cause have been reviewed and considered. The record of this application does not indicate that the abandonment of the application occurred despite the exercise of reasonable due care or diligence on the part of the applicant. See *In re Mattullath*, 38 App. D.C. 497, 514-15 (1912), and *Ex parte Pratt*, 1887 Dec.Comm'r Pat. 31, 32-33 (1887). The petition to revive this application, however, is not under the "unavoidable" standard of 35 U.S.C. § 133 and 37 CFR 1.137(a), but is under the "unintentional" standard of 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b). Therefore, the Office of the Commissioner for Patents is terminating the inquiry initiated by the order to show cause without vacating or otherwise disturbing the decision reviving the above-identified application.

¹ The order requested petitioners to show cause why the decision mailed March 6, 1995, November 26, 1996 and April 15, 1998 in application No. 08/182,621 reviving the application should not be vacated.

The petition is granted to the extent that the Office of the Commissioner for Patents will not vacate or otherwise disturb the decisions reviving the above-identified application.

As this inquiry has been terminated without vacating or otherwise disturbing the decision reviving the above-identified application, petitioners' request that the order to show cause be "vacated" is dismissed as moot.

Telephone inquiries regarding this decision may be directed to Senior Petitions Attorney Nancy Johnson at 571-272-3219.

A handwritten signature in cursive script, appearing to read "Charles Pearson", is written over the printed name.

Charles Pearson
Director
Office of Petitions